

**AREA PLAN COMMISSION OF TIPPECANOE COUNTY
EXECUTIVE COMMITTEE
MINUTES OF PUBLIC HEARING**

DATE..... April 7, 2004
TIME..... 4:30 P.M.
PLACE CO. OFFICE BLDG.
20 N. 3RD STREET
LAFAYETTE IN 47901

MEMBERS PRESENT

KD Benson
Mark Hermodson
Gary Schroeder
Dr. Carl Griffin

MEMBERS ABSENT

Steve Schreckengast
David Williams
Robert Bowman

STAFF PRESENT

Sallie Fahey
Margy Deverall
Heather Prough
Michelle D'Andrea
Jay Seeger, Attorney

Mark Hermodson called the meeting to order.

I. APPROVAL OF MINUTES

Gary Schroeder moved to approve the minutes of the March 3, 2004, Executive Committee public hearing as submitted. Carl Griffin seconded and the motion carried by voice vote.

II. NEW BUSINESS

Gary Schroeder moved to continue **S-3453-LANE MINOR SUBDIVISION, S-3461-BARR MINOR SUBDIVISION** and **S-3467 TIPPECANOE SHOPPES SUBDIVISION** to the April 21, 2004 Area Plan Commission meeting. Carl Griffin seconded and the motion carried by voice vote.

Gary Schroeder moved to continue **RESOLUTION PD 04-09: BENJAMIN CROSSING PLANNED DEVELOPMENT, SECTION 2** to the April 21, 2004 Area Plan Commission meeting.

- A. RESOLUTION PD 04-08: LINDBERG VILLAGE PLANNED DEVELOPMENT (Z-2131)** Final Detailed Plans (construction plans only) for a 146-lot single-family residential planned development on 31.95 acres, located west of Klondike Road between CR 250 N and Lindberg Road, in Wabash 10(SE)23-5.

Gary Schroeder moved to hear and approve the above-described request. Carl Griffin seconded the motion.

Sallie Fahey read the staff report with recommendation of approval.

The Committee voted by ballot 4 yes to 0 no to grant approval of **RESOLUTION PD-04-08.**

- B. RESOLUTION PD 04-10: OLD JEFF CENTRE PLANNED DEVELOPMENT (Z-2060)** Final Detailed Plans (construction plans only) for conversion of the former LSC and Ivy Tech building to 74 apartments, 12000-14000 sq. ft. of commercial space and 219 parking spaces, situated between North 9th and 10th Streets, north of Brown Street, and including both sides of Elizabeth Street in Lafayette, Fairfield 21(SW)23-4.

Gary Schroeder moved to hear and approve the above-described request. Carl Griffin seconded the motion

Sallie Fahey read the staff report with recommendation of approval.

The Committee voted by ballot 4 yes to 0 no to grant approval of **RESOLUTION PD-04-010.**

- C. RESOLUTION PD 04-11: BLACKTHORNE PLANNED DEVELOPMENT (Z-2170)** Final Detailed Plans (construction plans only) amending an existing residential planned development, allowing an

additional building type to the approved plan. Located south of US 52 between Klondike Road and CR 400 W in Wabash 3 (SE) 23-5.

Gary Schroeder moved to hear and approve the above-described request. Carl Griffin seconded the motion

Sallie Fahey read the staff report with recommendation of approval.

The Committee voted by ballot 4 yes to 0 no to grant approval of **RESOLUTION PD-04-010**.

III. PUBLIC HEARING

Gary Schroeder moved that the Comprehensive Plan for Tippecanoe County, the Unified Zoning Ordinance of Tippecanoe County, and the Unified Subdivision Ordinance for Tippecanoe County, Indiana are hereby entered by reference into the record of each agenda item. Carl Griffin seconded and the motion carried by voice vote.

A. Subdivisions

1. **S-3477—STONERS LANDING MINOR SUBDIVISION (Minor-Sketch):** Petitioners are seeking primary approval for a 3-lot subdivision on 4.597 acres, located on the north side of CR 75 S, approximately 3/4 mile east of CR 700 W, in Wayne 30 (SE) 23-5.

Gary Schroeder moved to hear and vote on the above-described request. Carl Griffin seconded the motion

Sallie Fahey presented slides of the zoning map, aerial photo, and sketch plan. She recapped the staff report with recommendation of conditional primary approval contingent on the following:

FINAL PLAT – The following items shall be part of the Secondary Application and Final Plat approval:

1. If there is a mortgage on this property, a recorded partial release or written acknowledgment from the mortgage company must be obtained in order to dedicate the necessary right-of-way.
2. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
3. All required building setbacks shall be platted.
4. The street addresses and County Auditor's Key Number shall be shown.

SUBDIVISION COVENANTS – The following items shall be part of the subdivision covenants:

5. Construction shall be prohibited on land within the 100' setback from the cemetery.

Larry Stoner, 6606 W. 75 S, Lafayette, IN, concurred with the staff report and asked for approval.

The Committee voted by ballot 4 yes to 0 no to grant conditional primary approval **S-3477—STONERS LANDING MINOR SUBDIVISION (Minor-Sketch)**.

2. **S-3478—GLYNN VIEW MINOR SUBDIVISION (Minor-Sketch):** Petitioner is seeking primary approval for a 4-lot subdivision on 11.975 acres, located on the north side of CR 700 S, approximately 1/2 mile east of US 231, in Wea 29 (SE) 22-4.

Carl Griffin moved to hear and vote on the above-described request. Gary Schroeder seconded the motion.

Sallie Fahey presented slides of the zoning map, aerial photos, and sketch plan. She read the staff report with recommendation of conditional primary approval contingent on the following:

FINAL PLAT – The following items shall be part of the Secondary Application and Final Plat approval:

1. Except for the approved entrance, a "No Vehicular Access" statement shall be platted along the CR 700 South right-of-way line of Lots 1 and 3.
2. If there is a mortgage on this property, a recorded partial release or written acknowledgment from the mortgage company must be obtained in order to dedicate the necessary right-of-way.
3. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
4. All required building setbacks shall be platted.
5. Street addresses and County Auditor's Key Number shall be shown.

SUBDIVISION COVENANTS – The following items shall be part of the subdivision covenants:

6. The "No Vehicular Access" restriction shall be made enforceable by the Area Plan Commission and irrevocable by the lot owners.

Glynnda Lewis, 604 E 700 S, Lafayette, IN, concurred with the staff report and asked for approval.

Thomas Phelps, 759 E 700 S, Lafayette, IN stated that he did not have any objections, but was concerned with the road and the additional traffic. He said that this is a gravel road and in the winter becomes hazardous.

The Committee voted by ballot 4 yes to 0 no to grant conditional primary approval **S-3478—GLYNN VIEW MINOR SUBDIVISION (Minor-Sketch)**.

- 3. RE-0026—FOREST RIDGE SUBDIVISION (Rural Estate-Preliminary Plat):** Petitioners are seeking primary approval for an 11-lot (and 2 outlot) rural estate subdivision on 34.34 acres. The site is located on the north side of Division Road, approximately 3/4 mile west of CR 575 W, in Shelby 19 (SE) 23-5.

Gary Schroeder moved to hear and vote on the above-described request. Carl Griffin seconded the motion.

Sallie Fahey presented slides of the zoning map, aerial photos, and preliminary plan. She stated that the petitioner has requested permission to bond. She read the staff report and addendum with recommendation of conditional primary approval contingent on the following:

CONSTRUCTION PLANS – The following items shall be part of the Construction Plans application and approval:

1. An Erosion and Sediment Control Plan meeting the requirements of 327 I.A.C. 15-5 shall be approved by the Tippecanoe County Soil and Water Conservation District and meeting the requirements of the County Drainage Board as required by Tippecanoe County Ordinance #93-18-CM.
2. The County Drainage Board shall approve the drainage plans.
3. An on-site utility coordinating sheet shall be approved and signed-off by the non-government utility companies. If any of these utilities are being extended from an off-site location, this extension shall be made a part of the utility coordinating sheet.

FINAL PLAT – The following items shall be part of the Secondary Application and Final Plat approval:

4. Except for the approved entrance, a "No Vehicular Access" statement shall be platted along the Division Road right-of-way line.
5. If there is a mortgage on this property, a recorded partial release or written acknowledgment from the mortgage company must be obtained in order to dedicate the necessary right-of-way.
6. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
7. All required building setbacks shall be platted.
8. The street addresses and County Auditor's Key Number shall be shown.

SUBDIVISION COVENANTS AND OTHER REQUIRED DOCUMENTS—The following items shall be part of the subdivision covenants:

9. The "No Vehicular Access" restriction shall be made enforceable by the Area Plan Commission and irrevocable by the lot owners.
10. All documents necessary to create the homeowners association.
11. The executed deed(s) transferring Outlot A and Outlot B to the homeowner's association.
12. The use, ownership and maintenance of Outlot A shall be specified.

Daniel Teder, PO Box 280, Lafayette, IN, concurred with the staff report and asked for approval.

Marion Klyutzke, 1928 N 550 West, West Lafayette, IN, stated that he was concerned with getting a fence put in. He explained that he has 100 acres that could be driven through on a 4 wheeler or a child could get lost in and he did not want liability. He said that another reason he wanted a fence was to catch debris.

KD Benson asked if there was currently a fence around his land.

Marion Klyutzke replied negatively. He stated that all of the land was farmed as one.

KD Benson asked Jay Seeger if posting "no trespassing" signs would absolve Marion Klyutzke of liability.

Jay Seeger stated that signs would provide some shield. He said that Marion Klyutzke also had the option of seeking a partition fence.

KD Benson asked if a fence were built if each party would have to pay half.

Jay Seeger replied affirmatively. He stated that it would have to go through Township Trustee operation.

Daniel Teder stated that it is a little premature to discuss a fence because the plans are not done. He said that most of these issues would be resolved.

KD Benson encouraged the lines of communication stay open.

The Committee voted by ballot 4 yes to 0 no to permit bonding.

The Committee voted by ballot 4 yes to 0 no to grant conditional primary approval **RE-0026—FOREST RIDGE SUBDIVISION (Rural Estate-Preliminary Plat).**

IV. APPROVAL OF THE APRIL 21, 2004 APC PUBLIC HEARING AGENDA PUBLIC HEARING

A. ORDINANCE AMENDMENTS

Gary Schroeder moved that the following amendments to the UZO be placed on the April 21, 2004 Area Plan Commission Public Hearing Agenda:

UZO AMENDMENT #43

Carl Griffin seconded and the motion carried by voice vote.

B. REZONING ACTIVITIES

Gary Schroeder moved that the following rezone petitions be placed on the April 21, 2004 Area Plan Commission Public Hearing Agenda:

Z-2166—EAGLE'S NEST CORPORATION (R1 TO R1B)

Z-2167—MANN PROPERTIES (LAUREN LAKES PD) (R1 TO PDRS)

Z-2171 – HARRY MOHLER (QUEEN ANNE COURTS #1) (CB TO PDCC)

Z-2172 – AREA PLAN COMMISSION OF TIPPECANOE COUNTY (WALLACE TRIANGLE NEIGHBORHOOD) (R3, NB & R1B TO R1, R1U, R2U & NB)

Z-2173 – AREA PLAN COMMISSION OF TIPPECANOE COUNTY (WILLIAM BAKER PROPERTY IN BUCK CREEK) (R1 AND UNZONED LAND TO A)

Z-2174 – ARNETT CLINIC, LLC d/b/a ARNETT HOSPITAL (A & I3 TO MR)

Z-2175 – MICHAEL YODER (A TO GB)

Carl Griffin seconded and the motion carried by voice vote.

B. SUBDIVISIONS

Gary Schroeder moved that the following subdivision petitions be placed on the March 17, 2004 Area Plan Commission Public Hearing Agenda at petitioner's request, placement thereon being without reference to compliance or non-compliance with the adopted subdivision ordinance:

S-3470 – HARRISON HIGHLANDS SUBDIVISION, PHASE 1 SECTION 2 (MAJOR-PRELIMINARY)

S-3482 - ORCHARD SUBDIVISION, PHASE 2, SECTION 2 (MAJOR-PRELIMINARY)

S-3485 – PATNAUDE SUBDIVISION (MINOR SKETCH)

S-3486 – WET LAND STRAITS SUBDIVISION (MINOR SKETCH)

S-3487 - WATKINS GLEN SOUTH SUBDIVISION , PART 6 PHASE 1 (MAJOR-PRELIMINARY)

Carl Griffin seconded and the motion carried by voice vote.

V. REVIEW AND APPROVAL OF THE APRIL ABZA PUBLIC HEARING AGENDA

Gary Schroeder moved to place the following petitions on the April 28, 2004 Area Board of Zoning Appeals Public Agenda:

BZA-1655 - DANIEL TEDER

BZA-1660—RAYMOND E. BRADLEY

BZA-1661—HARRISON HIGHLAND I, LLC

BZA-1662 – MADAM NEW YORK, LLC

BZA-1663 – LEROY SCHWARZ AND RONA SCHWARZ TRUST

BZA-1664 – WILLIAM & KATHLEEN POTTS

BZA-1665 – ROD EVANS

Carl Griffin seconded and the motion carried by voice vote.

VI. DETERMINATION OF VARIANCES**A. LAFAYETTE DIVISION OF THE AREA BOARD OF ZONING APPEALS**

Gary Schroeder moved that the following requests for variance from the Unified Zoning Ordinance are not requests for use variance, prohibited from consideration by ordinance and statute:

#2004-12—PEFCU

#2004-13—MOTEL PROPERTY DEVELOPMENT COMPANY, LLC

#2004-14—WILEY SANDERS

#2004-15—MARKET SQUARE LIMITED LIABILITY COMPANY

#2004-16—DICK'S SPORTING GOODS BY EAST COAST SIGNS

#2004-17 – VALENTIN LEDEZMA

Carl Griffin seconded and the motion carried by voice vote.

Gary Schroeder moved that with regard to the following petitions, the sign ordinance be strictly adhered to:

#2004-12—PEFCU

#2004-13—MOTEL PROPERTY DEVELOPMENT COMPANY, LLC

#2004-15—MARKET SQUARE LIMITED LIABILITY COMPANY

#2004-16—DICK'S SPORTING GOODS BY EAST COAST SIGNS

Carl Griffin seconded and the motion passed by voice vote.

VII. REVIEW AND APPROVAL OF THE MARCH BUDGET REPORT

Sallie Fahey stated that most of the categories have 75% left, which is where it should be for this time of year. She said that there is still 82% of the overall budget left. She mentioned that she is closely watching the travel and training budget because of all the extra mileage for the land use survey. She said that she did ask the Federal Highway Administration if they would reimburse mileage as this inventory is for the Transportation Study, and has not yet received an answer.

Carl Griffin moved to accept the March 2004 Budget Report as submitted. Gary Schroeder seconded and the motion passed by voice vote.

VIII. OTHER BUSINESS

None

IX. ADJOURNMENT

Gary Schroeder moved to adjourn the meeting. Carl Griffin seconded and the motion carried by voice vote. The meeting adjourned at 5:30 P.M.

Respectfully submitted,



Michelle D'Andrea
Recording Secretary

Reviewed by,



Sallie Dell Fahey
Executive Director